

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

KEVIN DELVALLE,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 1/25/2024

17 Cr. 314 (VM)

ORDER

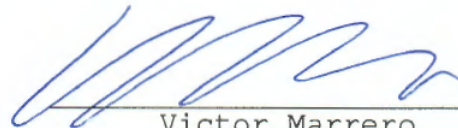
VICTOR MARRERO, District Judge:

On July 8, 2022, Kevin Delvalle was sentenced principally to a term of imprisonment of 420 months.

On December 11, 2023, Delvalle filed a motion requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction. (See Dkt. No. 161.) The Court has considered the record in this case, and Delvalle's submissions on this motion. (See Dkt. No. 159.)

It is hereby ORDERED that Delvalle is ineligible for this reduction because Delvalle did not have zero criminal history points and because, though Delvalle is eligible for a status point recalculation, his Guideline Range has not changed even with his amended Criminal History Category, and this motion is denied.

SO ORDERED.

  
Victor Marrero  
U.S.D.J.

Dated: January 25, 2024  
New York, New York